

July 11, 2005

REMARKS

Claims 31-34 stand pending in this application.

Claim Rejections under 35 U.S.C. § 102

Claims 31-34 stand rejected under 35 USC § 102(b) as anticipated by Brock et al., of record. The Applicants respectfully traverse this rejection.

Brock et al. fail to disclose at least one fluid white opacifying pigment prepaint and at least one fluid extender pigment prepaint, as is instantly recited. See below. Further, Brock et al. fail to disclose any fluid extender pigment prepaint having a pigment volume concentration (PVC) of from about 40 to 100%, as is instantly recited. See below. Still further, Brock et al. fail to disclose any fluid inputs, as is instantly recited, or any fluid component mixing system, as is instantly recited, or any computer to determine any (first or second) prepaint ratios, as is instantly recited. As Brock et al. fail to disclose each and every feature of the instant claims, Brock et al. cannot anticipate the present invention and the rejection is improper and should be withdrawn.

Contrary to the position taken in the rejection, Brock et al. fail to disclose any **white-opacifying pigment** at col. 2, lines 54-63. See the rejection dated April 11, 2005 at the top of page 3. The ordinary meaning of a white-opacifying pigment does not include the pigments disclosed in Brock et al. at col. 2, lines 54-63. Further, Applicants have defined a white-opacifying pigment as any white pigment which imparts white scattering power across all visible wavelengths without a high degree of absorption. See the instant specification at, for example, page 16, lines 22-24. Examples of such white-opacifying pigments include titanium dioxide. See the instant specification at, for example, page 16, line 29 to page 7, line 19. In contrast, none of the pigments disclosed in Brock et al. at col. 2, lines 54-63 are white or impart any white scattering power. Accordingly, Brock et al. fail to disclose any white opacifying pigment prepaint, as is instantly recited.

Contrary to the position taken in the rejection, Brock et al. fail to disclose any **fluid extender pigment** at col. 7, lines 4 to 23. See the rejection dated April 11, 2005 at the top of page 3. Pigment extenders clearly refer to non-settling inorganic solids or

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opaque polymers which do not impart the primary color or hiding power to the paint. See the instant specification at, for example, page 16, lines 24-26. Examples of such pigment extenders include barium sulfate. See the instant specification at, for example, page 17, line 25 to page 18, line 4.

If Brock et al. do disclose materials that could conceivably comprise white opacifying pigments or extender pigments, such materials appear only *in "a"* composition disclosed for use once. See col. 7, lines 34-47. Accordingly, Brock et al. cannot possibly disclose or even suggest both of **at least one fluid white opacifying pigment prepaint and at least one fluid extender pigment prepaint**, as is instantly recited.

Contrary to the position taken in the rejection, Brock et al. fail to disclose any fluid extender pigment prepaint having a **pigment volume concentration (PVC)** of from about 40 to 100%, as is instantly recited. See the rejection dated April 11, 2005 at the top of page 3. In fact, Brock et al. fail to disclose any fluid extender pigment at all in the composition referred to in the rejection. See Brock et al. at col. 7, lines 4 to 23. Further, PVC relates to the volume of pigment, based on total solids volume, and does not relate to weight %. Accordingly, nothing in Brock et al. suggests the instantly recited extender pigment prepaint PVC.

The other deficiencies of Brock et al. need no elaboration because the rejection and Brock et al. each fail to mention any of fluid inputs, as is instantly recited, or fluid component mixing system, as is instantly recited, or computers to determine any (first or second) prepaint ratios, as is instantly recited.

The rejections are improper. Applicants respectfully request the reconsideration and the withdrawal of all rejections over Brock et al.

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CONCLUSION

It is submitted that the instant claims are in condition for allowance. An early and favorable action on the merits is earnestly solicited. If the Examiner has any questions, she is urged to contact the undersigned at the number given below.

Concurrently herewith, Applicants have an Associate Power of Attorney for the undersigned.

If any fees are found owing, please charge the additional fees to deposit account no. 18-1850. At present, no fees are believed due.

Respectfully submitted,



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